

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

RIDE THE DUCKS SEATTLE LLC,

Plaintiff,

V.

RISE THE DUCKS  
INTERNATIONAL LLC, CHRIS  
HERSCEND, JANE DOE  
HERSCEND, HERSCEND  
FAMILY ENTERTAINMENT  
CORPORATION, BRIAN TRACY,  
and JANE DOE TRACEY,

## Defendants.

CASE NO. C19-1408 MJP

## ORDER SETTING TRIAL DATE AND CASE DEADLINES

After reviewing the Parties' Joint Status Report (Dkt. No. 79) and the Memorandum and  
te of the Ninth Circuit (Dkt. No. 75, 76), the Court hereby sets the following case  
nes and trial date:

JURY TRIAL DATE	April 10, 2023 at 9:00 AM
Reports from expert witnesses under FRCP 26(a)(2) due	September 12, 2022

1	All motions related to discovery must be filed by and noted on the motion calendar on the third Friday thereafter (see CR7(d))	October 12, 2022
2	Discovery completed by	November 14, 2022
3	All dispositive motions must be filed by and noted on the motion calendar on the fourth Friday thereafter (see CR7(d))	December 12, 2022
4	All motions in limine must be filed by and noted on the motion calendar no earlier than the third Friday thereafter and no later than the Friday before the pretrial conference.	March 6, 2023
5	Agreed pretrial order due	March 28, 2023
6	Trial briefs, proposed voir dire questions, and proposed jury instructions due	March 28, 2023
7	Pretrial conference	March 30, 2023 at 1:30 PM
8	Length of Jury Trial	15 days

11

12 These dates are set at the direction of the Court after reviewing the joint status report and

13 discovery plan submitted by the parties. All other dates are specified in the Local Civil Rules. If

14 any of the dates identified in this Order or the Local Civil Rules fall on a weekend or federal

15 holiday, the act or event shall be performed on the next business day. These are firm dates that

16 can be changed only by order of the Court, not by agreement of counsel or the parties. The Court

17 will alter these dates only upon good cause shown: failure to complete discovery within the time

18 allowed is not recognized as good cause. If the trial date assigned to this matter creates an

19 irreconcilable conflict, counsel must notify the Deputy Clerk, Grant Cogswell, in writing within

20 10 days of the date of this Order and must set forth the exact nature of the conflict.

21 A failure to do so will be deemed a waiver. Counsel must be prepared to begin trial on

22 the date scheduled, but it should be understood that the trial may have to await the completion of

23 other cases.

## COOPERATION:

As required by CR 37(a), all discovery matters are to be resolved by agreement if possible. Counsel are further directed to cooperate in preparing the final pretrial order in the format required by CR 16.1, except as ordered below.

## EXHIBITS:

The original and one copy of the trial exhibits are to be delivered to chambers four days before the trial date. Each exhibit shall be clearly marked. Exhibit tags are available in the Clerk's Office. The Court hereby alters the CR 16.1 procedure for numbering exhibits: plaintiff's exhibits shall be numbered consecutively beginning with 1; defendants' exhibits shall be numbered consecutively beginning with the next number series not used by plaintiff.

Duplicate documents shall not be listed twice: once a party has identified an exhibit in the pretrial order, any party may use it. Each set of exhibits shall be submitted in individual file folders with appropriately numbered tabs.

## SETTLEMENT:

Should this case settle, counsel shall notify Grant Cogswell as soon as possible at 206-370-8518. Pursuant to GR 3(b), an attorney who fails to give the Deputy Clerk prompt notice of settlement may be subject to such discipline as the Court deems appropriate.

The clerk is ordered to provide copies of this order to all counsel.

Dated February 22, 2022.

Wesley. Belcher

Marsha J. Pechman  
United States Senior District Judge